

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MR. CURTIS MACK,**  
**Petitioner,**

**CIVIL ACTION**

**v.**

**WARDEN: MR. WILLIAM LAWTON,  
THE DISTRICT ATTORNEY OF THE  
COUNTY OF SETH WILLIAMS, and  
THE ATTORNEY GENERAL OF THE  
STATE OF PENNSYLVANIA,**  
**Respondents.**

**NO. 16-1324**

**ORDER**

**AND NOW**, this 20th day of June, 2018, the Clerk of Court having mailed to *pro se* petitioner, Curtis Mack, on March 22, 2018, a copy of Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells dated March 20, 2018, and a Notice of right to file objections within fourteen days dated March 22, 2018, to the address provided by *pro se* petitioner at the time of the filing of his Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus – H.O.C., Reg. No. 718548, 8001 State Road, Philadelphia, Pennsylvania 19136 – which Report and Recommendation and Notice were returned on April 23, 2018, with the notice “Return to Sender, Released to Other Authorities,”<sup>1</sup> and upon consideration of Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells dated March 20, 2018, and the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by *pro se* petitioner, Curtis Mack, and the record in this case, **IT IS ORDERED** as follows:

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<sup>1</sup> Local Civil Rule 5.1(b) which provides that “[a]ny party who appears *pro se* shall file with the party's appearance or with the party's initial pleading, an address where notices and papers can be served. Said party shall notify the Clerk within fourteen (14) days of any change of address.” *Pro se* petitioner failed to comply with that Rule. Because of his failure to comply with the Rule it appears that *pro se* petitioner was not served with copies of the Report and Recommendation and Notice.

1. Report and Recommendation of Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells dated March 20, 2018, is **APPROVED** and **ADOPTED**;

2. The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by *pro se* petitioner, Curtis Mack, is **DISMISSED** and **DENIED** without an evidentiary hearing;

3. The Clerk of Court shall **MARK** this case **CLOSED**.

**IT IS FURTHER ORDERED** that a certificate of appealability will not issue because reasonable jurists would not debate the propriety of this Court's procedural ruling with respect to petitioner's claim. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

**BY THE COURT:**

/s/ **Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**